REMARKS

Claims 64–80 are pending in the application. Claim 71 has been canceled without prejudice. Claims 64-70, 72, 73, and 76-80 have been amended. Claims 81-85 have been added. Claims 64-70 and 72-85 are thus now pending in the application.

Support for the amendments can be found throughout the specification, including, but not limited to, the following locations: page 2, line 18 to page 3, line 15; page 5, lines 4 to 35; page 6, line 33 to page 7, line 17; page 11, lines 16-18; Fig. 1 (element 30); and Fig. 3.

Claim 71 stands rejected under 35 U.S.C. § 112. Without conceding the propriety of the Examiner's rejection, Applicant has canceled claim 71 to advance prosecution.

Independent claims 64 and 73 stand rejected under 35 U.S.C. § 103 as being unpatentable in view of the Background of the Invention ("the Background") and in further view of Evans et al. (U.S. Pat. No. 6,279,146) and Gagne et al. (U.S. Patent No. 5,303, 347). Applicant respectfully disagrees with the Examiner's rejections, and has amended the claims.

Applicant asserts that no *prima facie* case of obviousness exists with regard to the claims for at least two reasons. First, Applicant submits that Evans fails to teach or suggest each and every element of the claims because Evans is unconcerned with the relative transmission rates of the data transfers indicated as relevant by the Examiner. Second, the Examiner's own assertions regarding Evans explicitly contradict the proposed combination teaching or suggesting all elements of the claims.

Evans generally teaches a voice recognition system [10] that can be verified using hardware and software. Hardware verification is performed using a "verification engine 60," while verification in software is done using computer 118, which runs "simulation program 86." *See* Evans at Fig. 2 and col. 8, line 55 to col. 9, line 5. (Simulation program 86 is a software simulation of particular circuitry within voice recognition system 10. *See id.* at Fig. 1 and Fig. 2.) Computer 118 is connected to a "host workstation 114" via a "local area network 116." *See id.* at Fig. 2 and col. 9, lines 17-28. Workstation 114 is stationed between computer 118 and hardware verification engine 60. *See id.*

Evans is not concerned with the rate of data transfer between computer 118 to workstation 114 as compared to the rate of data transfer between workstation 114 and verification engine 60. Indeed, Evans does not explicitly mention such rates with regard to data passing through

workstation 114 and destined for verification engine 60. *See, e.g., id.* at col. 8, lines 43-58. Evans instead merely teaches that program 117 on workstation 114 is capable of "reformat[ting]" data transferred between simulation program 86 and verification engine 60. *See id.* at col. 9, lines 17-28. Thus, Evans's workstation 114 fails to teach or suggest the recited "computer" of claim 64, which "is configured to receive one or more data packets at a first transmission rate" and "send data contained in the … data packets to [an] emulator at a second transmission rate" that is "slower than the first transmission rate." No other device in Evans appears to teach or suggest these elements of claim 64. *See also* Office Action at 4, lines 19-24 (discussing only computer 114 relative to the limitations of previously pending claim 64).

Applicant further submits that the portion of Evans cited by the Examiner as teaching claim features regarding data transfer speeds is not germane. *See* Office Action at 5, lines 9-12 (citing Evans at col. 9 lines 57-67). Evans at this location merely teaches that the hardware verification engine 60 may generally operate faster than software simulation 86, and that updates <u>from</u> the hardware engine 60 <u>to</u> program 86 may thus take a relatively short time.[1] This unsurprising fact does not teach or suggest, for example, that data sent <u>from simulation program 86 to workstation 114</u> is received at a first rate, but that data sent <u>from workstation 114 to verification engine 60</u> is sent at a second rate different (let alone "slower") than the first rate. *See id.*; *cf. id.* at col. 10, lines 5-28.

The Examiner also alleges, relative to the previously pending version of the claims, that Evans's computer 118 sends data to computer 114 at a "first speed," and that computer 114 then sends data to verification engine 60 at a "second speed." *See* Office Action at 5, lines 1-8. But the Examiner also asserts, however, that in Evans "the <u>first speed is slower</u> than the second speed." Office Action at 5, lines 9-12 (citing Evans at col. 9, lines 57-67).

Applicant respectfully notes that the Examiner thus takes the position that Evans <u>teaches the opposite of what was previously recited in claim 64</u>, which recited a "<u>second</u> speed" "<u>slower</u> than the first speed" (emphasis added). Assuming for argument's sake that the Examiner is correct, the

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[1] What Evans in fact teaches is that at certain times in the testing process, hardware engine 60 may update the software "simulation program 86" by sending it "new data." *See* Evans at col. 9, lines 46-49. The process of sending new data as an update <u>from</u> verification engine 60 <u>to</u> software simulation 86 takes "a fairly small [amount of] time compared with" data transfer between "work station 114" and "simulation program 86." *See id.* at col. 9, lines 57-67.

proposed combination of Evans, the Background, and Gagne would then fail to teach or suggest all elements of the previously pending version of claim 64. It would not "have been obvious" for the proposed combination to "have the second speed [be] slower than the first speed" as previously recited, when the Examiner explicitly argues that Evans teaches to the contrary. *See* Office Action at 5, lines 14-16. Without a compelling rationale, Evans should not be combined with other art to make a teaching contrary to the Examiner's assertion regarding a "first speed" in Evans actually being *slower* than a "second speed." *See* Office Action at 5, lines 9-16 (emphasis added).

The other cited art does not rectify the shortcomings of Evans. Gagne fails to teach or suggest any of the above-mentioned elements of the currently pending version of claim 64, as Gagne is simply concerned with "characteristic[s] of" "received packet[s]" being used to "direct[]" the "received packets to different types of buffers." *See id.* at col. 1, lines 60-62 and at Abstract. Gagne does not teach or suggest anything regarding the first and second "transmission rates" recited with respect to a "computer" and an "emulator," as recited in claim 64. Finally, the Background does not teach or suggest the above-mentioned elements of claim 64, as indicated by the Background itself and the Examiner's admission relative to the previous version of claim 64. *See* Office Action at 4, lines 8-19 (lines beginning "the AAPA does not teach...").
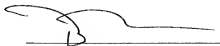
For at least the above reasons, no proposed combination of Evans, Gagne, and the Background teaches or suggests each and every limitation of claim 64. Applicant respectfully requests withdrawal of the § 103 rejections of claim 64 and its pending dependent claims. For at least similar reasons to those stated above, Applicant also respectfully requests withdrawal of the rejections of claim 73 and its dependent claims under § 103.

Claims 81-85 have been added. These claims are believed to patentably distinguish over the cited art for at least reasons similar to those cited above in support of claim 64. Support for the added claims may be found throughout the specification, and as indicated above on page 7 of this response.

In view of the foregoing amendments and remarks, Applicant submits that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. No fees are believed due as a result of the present amendments, but if any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505\6057-16302.

Respectfully submitted,

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Date: December 30, 2009